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Paper No. 14

Steven W. Smith
ERICSSON INC.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, Texas 75024

MAILED

MAY 22 2006

TECHNOLOGY CENTER 2100

In re Application of:
Mikael ROSENHED
Application No.: 09/439,162
Filed: November 12, 1999
For: BASE TRANSCEIVER STATION
AUTOMATIC ENCRYPTION HANDLING

DECISION ON PETITION UNDER
37 C.F.R. § 1.8 TO ACCEPT
PAPERS AS TIMELY FILED AND
UNDER 37 C.F.R. § 1.181 TO
WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the renewed petition filed 21 November 2005 under 37 C.F.R. § 1.8(b) to accept papers as timely filed and as a petition under 37 C.F.R. § 1.181 requesting the Withdrawal of the Holding of Abandonment.

The petition is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the Final Office Action mailed on January 13, 2004. A Notice of Abandonment was mailed on October 19, 2004.

37 C.F.R. § 1.8(b) states:

(b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

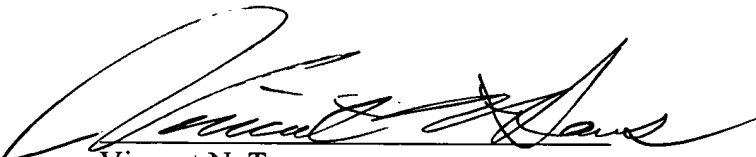
Petitioner asserted that an Amendment After Final was filed in a timely manner on 16 March 2004. Copies of the originally transmitted Amendment After Final and Certificate of Facsimile transmission signed by Pamela S. Newton dated March 16, 2004 were submitted on 03 November 2004.

A *personal knowledge* statement from Ms. Pamela S. Newton, who certified that the Amendment After Final was facsimile transmitted to the USPTO on 16 March 2004, is not of record. From the petitioner's statement "... Petitioner provide a redundant statement attesting to the fact that he has personal knowledge that **he, himself, filed a timely response** ..." [emphasis added], the undersigned interprets that the Amendment After Final was timely filed by the petitioner, himself, or the petitioner made a personal knowledge statement on behalf of Pamela S. Newton that the Amendment After Final was facsimile transmitted on 16 March 2004.

For the above stated reasons, the petition is **GRANTED**. The Notice of Abandonment is hereby withdrawn.

The application file is being forwarded to the Technology Center support staff to process and enter the copy of the Amendment After Final. From there, the applicant file will be forwarded to examiner for appropriate action.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.



Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security